

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOGATIN FAMILY TRUST, Individually And On
Behalf Of All Others Similarly Situated,

Plaintiff,

Civil Action No. 04cv11642 (NG)

VS.

FIDELITY MANAGEMENT AND RESEARCH
COMPANY, et al.,

Defendants.

ASSENTED-TO MOTION FOR ADMISSION *PRO HAC VICE*

Pursuant to Local Rule 83.5.3(b), Defendants Fidelity Management & Research Company, FMR Co., Inc., FMR Corp., Fidelity Distributors Corporation, Edward C. Johnson 3d, Abigail P. Johnson, Edward C. Johnson IV, Elizabeth L. Johnson, Peter S. Lynch, Laura B. Cronin, Robert L. Reynolds, Robert C. Pozen, and J. Gary Burkhead (“Defendants”), by their undersigned attorneys, hereby move for the admission *pro hac vice* of their counsel, James N. Benedict, Sean M. Murphy and C. Neil Gray. In support of their motion, Defendants state as follows:

1. James N. Benedict has prepared a certificate in accordance with Local Rule 83.5.3, attached hereto as Exhibit A, certifying that: (i) Mr. Benedict is a member in good standing of the Bar of the State of New York, the United States Supreme Court, the United States Court of Appeals for the Second, Third, Sixth, Eighth, Ninth, Tenth and Eleventh Circuits, and the United States District Courts for the Southern, Eastern and Northern Districts of New York; (ii) Mr. Benedict is familiar with the Local Rules of the United States District Court for the

District of Massachusetts; and (iii) there are no disciplinary proceedings pending against Mr. Benedict.

2. Sean M. Murphy has prepared a certificate in accordance with Local Rule 83.5.3, attached hereto as Exhibit B, certifying that: (i) Mr. Murphy is a member in good standing of the Bar of the State of New York and the United States District Court for the Southern District of New York; (ii) Mr. Murphy is familiar with the Local Rules of the United States District Court for the District of Massachusetts; and (iii) there are no disciplinary proceedings pending against Mr. Murphy.

3. C. Neil Gray has prepared a certificate in accordance with Local Rule 83.5.3, attached hereto as Exhibit C, certifying that: (i) Mr. Gray is a member in good standing of the Bar of the State of New York, the United States Court of Appeals for the Eighth Circuit and the United States District Courts for the Southern and Eastern Districts of New York; (ii) Mr. Gray is familiar with the Local Rules of the United States District Court for the District of Massachusetts; and (iii) there are no disciplinary proceedings pending against Mr. Gray.

Dated: November 29, 2004.

Respectfully submitted,

Of Counsel:

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